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EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2645	11

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,982	NELSON ET AL.	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7,10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

Information Disclosure Statement

1. Initialed and dated copies of Applicant's IDS form 1449, Paper Nos. 7 and 10, are attached to the instant office action.

Claim Objections

2. Claims 1 and 35 are objected to because of the following informalities: Claims 1 and 35 recite the limitation "the steps" in page 2 and page 35. There is insufficient antecedent basis for this limitation in these claims. Appropriate correction is required.

3. Claims 14, 15, and 18 are objected to because of the following informalities: Claims 14, 15, and 18 recite the limitation "the group" in page 4 and page 5. There is insufficient antecedent basis for this limitation in these claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,026,156 by Epler et al, hereinafter Epler.

Regarding claim 1, Epler discloses a method for communicating over multiple channels (see Abstract), comprising steps of: (a) communicating over a first channel; (b) selecting a second channel; (c) selecting a phrase; (d) generating an audible utterance representative of the selected phrase; and (e) providing the audible utterance over the

selected second channel only while communicating over the first channel concurrently (column 12, line 50 – column 13, line 10; see Figure 4D).

Regarding claim 3, the method of claim 1, wherein Epler further discloses the step of generating an audible utterance includes the step of obtaining an internal representation of a phrase element associated with the selected phrase and generating an audible utterance based on the internal phrase element (column 13, lines 6-10).

Regarding claim 7, the method of claim 1, wherein Epler further discloses said internal representation of said selected phrase is obtained from a host computer (Figure 1, 56), wherein a 'Do Not Interrupt' bit has been set (column 9, lines 3-10; column 12, line 50 – column 13, line 10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 4, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,156 by Epler, as applied to claim 1 above, in view of U.S. Patent No. 6,628,767 by Wellner et al, hereinafter Wellner.

Regarding claim 2, the method of claim 1, wherein Epler further discloses the step of selecting a second channel further includes providing the audible utterance over the selected second channel (column 12, line 66 – column 13, line 10).

Epler does not disclose selecting a second channel further includes selecting a plurality of channels.

Wellner discloses a telecommunication infrastructure (see Figure 1 and Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel; (b) a second electronic device coupled to the telecommunication infrastructure over a second channel; (c) a third electronic device coupled to the telecommunication infrastructure, selecting the first channel or the second channel and selecting a phrase representation (column 4, lines 51-64; see Figure 8; column 8, line 58 – column 9, line 23); and (d) a processing device (Figure 1, 37). Wherein, the step of selecting a second channel further includes selecting a plurality of channels (see Figure 8: Everyone), and wherein the step of providing the text message over the selected second channel further includes providing the text message over the plurality of selected channels (see Figures 8 and 9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Epler to include selecting a second channel further includes selecting a plurality of channels as taught by Wellner to send an audible utterance to a plurality of recipients. One of ordinary skill in the art would have been lead to make such a modification since more than one recipient on a plurality of channels can receive a message from the called party.

Regarding claim 4, the method of claim 1, wherein Epler does not disclose the step of selecting a second channel includes selecting a graphical representation of said second channel using a graphical user interface.

Wellner discloses a telecommunication infrastructure (see Figure 1 and Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel; (b) a second electronic device coupled to the telecommunication

infrastructure over a second channel; (c) a third electronic device coupled to the telecommunication infrastructure, selecting the first channel or the second channel and selecting a phrase representation (column 4, lines 51-64; see Figure 8; column 8, line 58 – column 9, line 23); and (d) a processing device (Figure 1, 37). Wherein, the step of selecting a second channel further includes selecting a graphical representation of said second channel using a graphical user interface (see Figure 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Epler to include selecting a second channel further includes selecting a graphical representation as taught by Wellner to conveniently select a second channel on an electronic device. One of ordinary skill in the art would have been lead to make such a modification since a graphical user interface would enable a called party to select the second channel on an electronic device.

Regarding claim 5, the method of claim 1, wherein Epler does not disclose the step of selecting a phrase includes selecting a graphical representation of said phrase using a graphical user interface.

Wellner discloses a telecommunication infrastructure (see Figure 1 and Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel; (b) a second electronic device coupled to the telecommunication infrastructure over a second channel; (c) a third electronic device coupled to the telecommunication infrastructure, selecting the first channel or the second channel and selecting a phrase representation (column 4, lines 51-64; see Figure 8; column 8, line 58 – column 9, line 23); and (d) a processing device (Figure 1, 37). Wherein, the step of

selecting a phrase includes selecting a graphical representation of said phrase using a graphical user interface (see Figures 8 and 9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Epler to include selecting a phrase includes selecting a graphical representation of said phrase as taught by Wellner to conveniently select a phrase on an electronic device. One of ordinary skill in the art would have been lead to make such a modification since a graphical user interface would enable a called party to select a phrase on an electronic device to send on a second channel.

Regarding claim 6, the method of claim 5 mentioned above, wherein Wellner further disloses the graphical representation of said phrase is selected from a group consisting of an icon, a symbol, a figure, a graph, a checkbox, a GUI widget, a graphics button, and a pulldown menu button (see Figure 8).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,156 by Epler, as applied to claim 1 above, in view of U.S. Patent Application No. 2002/0181671 by Logan.

Regarding claim 8, the method of claim 1, wherein Epler does not disclose the step generating an audible utterance includes text-to-speech processing.

Logan discloses a method for communicating over multiple channels, comprising the steps of: (a) communicating over a first channel (page 2, column 2, section 0025, lines 1-5); (b) selecting a second channel (Figure 3, 336: 'ALSO SEND TO'; page 4, column 2, section 0040, lines 5-9); selecting a phrase (Figure 3, 316; 'WAIT THERE'); (c) generating an audible utterance representative of the selected phrase (page 2, column 2, section 0027, lines 4-7); and (d) providing the audible utterance over the selected

second channel (page 4, column 2, section 0040, lines 5-9). Wherein Logan further discloses the step generating an audible utterance includes text-to-speech processing (page 4, column 2, section 0042, lines 6-10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Epler to include text-to-speech processing as taught by Logan to generate an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since a selected phrase to be sent on the second channel must be converted to speech to generate an audible utterance.

9. Claims 9-10, 12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler.

Regarding claim 9, Wellner discloses a multi-channel telecommunication system (see Figure 1; see Abstract), inherently comprising: (a) an audio input (column 9, line 24 – column 10, line 10); (b) a channel representation (column 5, lines 40-51 see Figure 5; see Figure 8); (c) a phrase representation (column 9, lines 1-23; see Figure 8); (d) a display capable of displaying a channel representation and a phrase representation (see Figure 8); (e) a memory for storing the channel representation, phrase representation, and phrase element associated with the phrase representation, wherein the phrase element has an internal representation of text message (Figure 1, 29; column 4, lines 20-29 and lines 51-64); (f) a processor, coupled to the audio input, display, and memory, wherein the processor provides a first control signal and a second control signal (see Figure 1, 29; column 9, lines 1-10); and (g) a channel selector, inherently coupled to the processor and text generator, wherein the channel selector selects a channel responsive to the second

control signal and provides the text message over the selected channel only while communicating over another channel concurrently (see Figure 8; column 9, lines 1-23).

Wellner does not disclose an audio generator and providing an audible utterance over the selected channel.

Epler discloses a multi-channel telecommunication system, comprising: a channel representation ('New Caller'); a phrase representation ('Do Not Interrupt'); a memory for storing the channel representation, phrase representation, and phrase element associated with the phrase representation, wherein the phrase element has an internal representation of an audible utterance (Figure 1, 56; column 9, lines 3-24); an audio generator, wherein the audio generator generates an audible utterance responsive to the conversation element; and a channel selector, coupled to the audio generator, wherein the channel selector selects a channel responsive to the second control signal and provides the audible utterance over the selected channel only while communicating over another channel concurrently (column 12, line 50 – column 13, line 10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Wellner to include an audio generator and provide an audible utterance over the selected channel as taught by Epler to generate an audible utterance on a selected channel. One of ordinary skill in the art would have been lead to make such a modification since an audio generator generates an audible utterance associated with a phrase representation to be sent on a selected channel.

Regarding claim 10, the multi-channel telecommunication system of claim 9, wherein Epler further discloses said multi-channel telecommunication system is a telephone (Figure 1, 11).

Regarding claim 12, the multi-channel telecommunication system of claim 9, wherein Wellner further discloses the phrase representation and channel representation are displayed in a graphic user interface (GUI) (see Figure 8; column 9, lines 1-10).

Regarding claim 14, the multi-channel telecommunication system of claim 9, wherein Wellner further discloses the channel representation is selected from a group consisting of a text and a label (see Figure 8; column 9, lines 1-23).

Regarding claim 15, the multi-channel telecommunication system of claim 9, wherein Wellner further discloses the internal representation is in a format selected from a group consisting of a sound file, a record or playback, a text, and a Musical Instrument Digital Interface ("MIDI") sequence (see Figure 8; column 9, lines 1-23).

Regarding claim 16, the multi-channel telecommunication system of claim 9, wherein Epler further discloses the internal representation is obtained from a host computer (Figure 1, 56; column 9, lines 3-10; column 12, line 50 – column 13, line 10).

Regarding claim 17, the multi-channel telecommunication system of claim 9, wherein Wellner further discloses the first control signal is inherently generated in response to a user selecting the phrase representation and the second control signal is inherently generated in response to a user selecting the channel representation (see Figures 8 and 9).

Regarding claim 18, the multi-channel telecommunication system of claim 9, wherein Wellner further discloses the phrase representation and channel representation are selected from a group consisting of a button, a switch, a barcode, a label, a glyph, and Braille (see Figure 8).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler, as applied to claim 9 above, and in further view of U.S. Patent Application No. US 2003.0002448 by Laursen et al, hereinafter Laursen.

Regarding claim 11, the multi-channel telecommunication system of claim 9, wherein Wellner in view of Epler do not disclose an audio mixer.

Laursen discloses a method and system for a distributed conference bridge processing in Voice over IP (VoIP) telephony. A distributed conference bridge multi-casts mixed audio content of a conference call in a way that reduces replication work at the mixing device (see Abstract). Laursen further discloses any number of participants calling into a conference bridge (page 12, column 2, section 0222, lines 13-17), the active speaker, within the group of participants (page 2, column 1, section 0018, line 1 – page 2, column 2, section 0018, line 12) will hear the speech or audio input of other active speakers (page 14, column 2, section 0237, lines 6-7), wherein audio input from those channels are mixed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wellner in view of Epler to include mixed audio as taught by Laursen to hear audio from other channels. One of ordinary skill in the art would have been lead to make such a modification since mixed audio content can allow the user to hear the audio input from other channels simultaneously so the user can monitor more than one channel.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler, as

applied to claim 9 above, and in further view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland.

Regarding claim 13, the multi-channel telecommunication system of claim 9, wherein Wellner in view of Epler do not disclose the multi-channel telecommunication system further comprises: (h) an audio monitor, coupled to the processor of channel selector, monitoring an audio level received from said channel selector.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses a text to speech markup function that can adjust the volume of text. The text will be converted to speech for an audible utterance (page 10, column 1, section 0174, lines 1-6; page 10, column 1, section 0175, lines 6-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wellner in view of Epler to include a text to speech markup function as taught by Freeland to provide determine the audio level of the text. One of ordinary skill in the art would have been lead to make such a modification since the function would adjust the volume of the audible utterance received from the system.

12. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,156 by Epler in view of US Patent No. 6,266,685 by Danielson et al, hereinafter Danielson.

Regarding claims 19-22, Epler discloses a system (as shown in Figure 1; see Abstract), comprising: (a) a plurality of input channels (Figure 1: 11, 12); (b) a processing device (Figure 1, 56) for storing an internal representation of a phrase element (see Figure 8; column 9, lines 3-23); and, (c) reading a first code associated with the phrase element ('Do Not Interrupt') and reading a second code ('New Caller') associated with at least one of the plurality of input channels, wherein the processing device provides an audible utterance only over the channel associated with said second code in response to reading the first code and the second code while communicating over another channel concurrently (column 12, line 50 – column 13, line 10).

Epler fails to disclose a scanning device coupled with the processing device for reading a first and second code, wherein the scanning device is a barcode scanner or a laser scanner.

Danielson discloses a hand-held data input system or data terminal having an input stylus and a data-receiving pad (see Abstract). At least one of the base pods includes a scanner for reading indicia, which may be disposed on a surface external and separate from the data terminal. The scanner may be a bar code scanner (column 4, lines 43-49). A laser scanner may be disposed in an accessory pod as shown in Figure 3, 29 (column 7, lines 49-54; column 25, lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Epler to include a scanning device as taught by Danielson to scan a first and second code associated with a phrase element and a channel, respectively. One of ordinary skill in the art would have been lead to make such

a modification since a scanning device could be used to scan the phrase element and channel, wherein a user may send an audible utterance.

13. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler.

Regarding claims 23 and 25, please see the rejection of the system in claims 9 and 12 to reject the general purpose computing device in claims 23 and 25.

14. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler, as applied to claim 23 above, and in further view of US Patent Application Publication No. US 2002/0055844 by L'Esperance et al, hereinafter L'Esperance.

Regarding claims 24 and 26, the general purpose computing device of claim 23 mentioned above, wherein Wellner in view of Epler further do not disclose the display is a touchscreen display or the general purpose-computing device is a personal digital assistant.

L'Esperance discloses a handheld electronic device, such as a PDA, that has multiple application processes. A speech recognition process takes input speech from a user and produces a recognition output representative of the input speech. A text-to-speech process takes output text and produces a representative speech output. A speech manager interface allows the speech recognition process and the text-to-speech process to be accessed by other application processes (see Abstract). L'Esperance further discloses the PDA display is a touch screen (page 4, column 2, section 0055, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Wellner in view of Epler to include a touch

screen and a device such as a PDA as taught by L'Esperance to have the visual display controlled by a stylus and to allow the user to interact over the Internet. One of ordinary skill in the art would have been lead to make such a modification since the user will not have to exhaust using his fingers to type on a keyboard or press buttons but instead use a stylus to selection options on a touch screen and a PDA that is WAP enabled can have an audible utterance sent to a particular recipient.

15. Claims 27, 29, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler.

Regarding claim 27, Wellner discloses a telecommunication infrastructure (see Figure 1 and Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel; (b) a second electronic device coupled to the telecommunication infrastructure over a second channel; (c) a third electronic device coupled to the telecommunication infrastructure, selecting the first channel or the second channel and selecting a phrase representation (column 4, lines 51-64; see Figure 8; column 8, line 58 – column 9, line 23); and (d) a processing device (Figure 1, 37); wherein the third electronic device communicates concurrently over the unselected second channel.

Wellner does not disclose a processing device, coupled to the telecommunication infrastructure storing: 1) a phrase element associated with the phrase representation; and, 2) a software program for providing an audible utterance over the selected first or second channel in response to a selected phrase representation.

Epler discloses a telecommunication infrastructure (see Figure 1; see Abstract), comprising: (a) a first electronic device (Figure 1, 11), coupled to the telecommunication infrastructure over a first channel; (b) a second electronic device (Figure 1, 12), coupled to the telecommunication infrastructure over a second channel; (c) a third electronic device (Figure 1, 10), coupled to the telecommunication infrastructure, selecting the second channel and selecting a phrase representation; and, (d) a processing device (Figure 1, 56), coupled to the telecommunication infrastructure storing: 1) a phrase element associated with the phrase representation; and, 2) a software program for providing an audible utterance over the selected first or second channel in response to a selected phrase representation (column 9, lines 3-10; column 12, line 50 – column 13, line 10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the infrastructure of Wellner to include a processing device as taught by Epler to store a phrase element associated with the phrase representation and store a software program for providing an audible utterance over the selected first or second channel in response to a selected phrase representation. One of ordinary skill in the art would have been lead to make such a modification when an incoming call is detected by said method. Wherein, a recipient of a selected channel can be audibly notified of said phrase representation chosen by the third electronic device.

Regarding claim 29, the telecommunication infrastructure of claim 27, wherein Wellner further discloses the third electronic device generates an out-of-band signal in response to a phrase representation selection and a channel representation selection (see Figure 8).

Regarding claim 31, the telecommunications infrastructure of claim 27, wherein Wellner further discloses the phrase representation is selected from a group consisting of an icon, a symbol, a figure, a graph, a checkbox, a GUI widget and a graphics button (see Figure 8).

Regarding claim 32, the telecommunications infrastructure of claim 27, wherein Wellner further discloses the phrase representation is selected from a group consisting of a text and a label (see Figure 8).

Regarding claim 33, the telecommunication infrastructure of claim 27, wherein Wellner further discloses the processing device is a computer coupled to the Internet (see Figure 1, 37; column 4, lines 30-50).

Regarding claim 34, the telecommunication infrastructure of claim 27, wherein Wellner further discloses the processing device is a relay between the first electronic device, the second electronic device, and the third electronic device (see Figure 1; column 4, lines 30-50).

16. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,767 by Wellner in view of U.S. Patent No. 6,026,156 by Epler, as applied to claim 27 above, and in further view of U.S. Patent Application No. US 2002/0098831 by Castell.

Regarding claims 28 and 30, the telecommunication infrastructure of claim 27, wherein Wellner further discloses the third electronic device inherently generates an out-band signal in response to a phrase representation selection and a channel representation selection (column 12, line 66 – column 13, line 4).

Wellner in view of Epler do not disclose the third electronic device generates an in-band signal in response to a phrase representation selection and a channel representation selection, wherein the in-band signal is a Dual-Tone Multi Frequency ("DTMF") signal.

Castell discloses a telecommunication infrastructure (see Figure 1; see Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel; (b) a second electronic device coupled to the telecommunication infrastructure over a second channel; (c) a third electronic device coupled to the telecommunication infrastructure, selecting the second channel and selecting a phrase representation; and, (d) a processing device (Figure 1, 115). Wherein the third electronic device generates an in-band signal in response to a phrase representation selection and a channel representation selection, wherein the in-band signal is a Dual-Tone Multi Frequency ("DTMF") signal (page 5, section 0041, lines 1-12; page 8, section 0057, line 1 – page 9, section 0058, line 19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the infrastructure of Wellner in view of Epler to generate an in-band signal as taught by Castell in response to a phrase representation selection and a channel representation selection. One of ordinary skill in the art would have been lead to make such a modification a DTMF signal generated by the third electronic device or called party selects the phrase representation and channel representation, wherein a selected channel receives a message.

17. Claims 35, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No.US 2002/0098831 by Castell et al, hereinafter Castell, in view of U.S. Patent No. 6,026,156 by Epler.

Regarding claim 35, Castell discloses a method for communicating with a plurality of recipients over a plurality of channels (see Figure 7), comprising steps of: (a) communicating over a first channel with a first recipient; (b) receiving an indication over a second channel of a second recipient; (c) selecting a channel for generating an audible utterance; (d) selecting a phrase representation; and (e) generating an audible utterance only over said selected channel while communicating over the first channel concurrently (page 7, section 0057, line 1 – page 8, section 0058, line 19).

Castell does not disclose generating an audible utterance based on said selected phrase representation.

Epler discloses a method for communicating over multiple channels (see Abstract), comprising steps of: (a) communicating over a first channel; (b) selecting a second channel; (c) selecting a phrase, e.g. 'Do Not Interrupt'; (d) generating an audible utterance representative of the selected phrase; and (e) providing the audible utterance over the selected second channel only while communicating over the first channel concurrently (column 12, line 50 – column 13, line 10; see Figure 4D).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Castell to include generating an audible utterance based on said selected phrase representation as taught by Epler to generate an audible utterance only over said selected channel based on said selected phrase representation while communicating over the first channel concurrently. One of

ordinary skill in the art would have been lead to make such a modification when an incoming call is detected by said method. Wherein, a recipient of said second channel can be audibly notified of the status of the called party based on said phrase representation.

Regarding claim 37, the method of claim 35, wherein Epler further discloses including the step of: obtaining an internal representation of a phrase element associated with said selected phrase representation (column 12, line 50 – column 13, line 10).

Regarding claim 39, the method of claim 38, wherein Castell further discloses said channel representation is displayed on a graphical user interface (see Figure 7).

Regarding claim 40, the method of claim 35, wherein Castell further discloses said step of selecting a phrase for generating an audible utterance includes the steps of: accessing a phrase representation; and, selecting a phrase representation (see Figure 7).

Regarding claim 41, the method of claim 40, wherein Castell further discloses said phrase representation is displayed on a graphical user interface (page 7, section 0058, lines 1-7; see Figure 7).

18. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0098831 by Castell, in view of U.S. Patent No. 6,026,156 by Epler, as applied to claim 35 above, and in further view of U.S. Patent Application No. US 2003.0002448 by Laursen.

Regarding claim 36, the method of claim 35, wherein Castell in view of Epler do not disclose said audio input from said first and second channel are mixed.

Laursen discloses a method and system for a distributed conference bridge processing in Voice over IP (VoIP) telephony. A distributed conference bridge multi-

casts mixed audio content of a conference call in a way that reduces replication work at the mixing device (see Abstract). Laursen further discloses any number of participants calling into a conference bridge (page 12, column 2, section 0222, lines 13-17), the active speaker, within the group of participants (page 2, column 1, section 0018, line 1 – page 2, column 2, section 0018, line 12) will hear the speech or audio input of other active speakers (page 14, column 2, section 0237, lines 6-7), wherein audio input from those channels are mixed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Castell in view of Epler to include mixed audio as taught by Laursen to hear audio from other channels. One of ordinary skill in the art would have been lead to make such a modification since mixed audio content can allow the user to hear the audio input from other channels simultaneously so the user can monitor more than one channel.

19. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0098831 by Castell, in view of U.S. Patent No. 6,026,156 by Epler, as applied to claim 35 above, and in further view of U.S. Patent No. 6,628,767 by Wellner.

Regarding claim 38, the method of claim 35, wherein Castell in view Epler do not disclose said step of selecting a channel for generating an audible utterance includes the steps of: accessing a channel representation and selecting a channel representation.

Wellner discloses a method for communicating with a plurality of recipients over a plurality of channels comprising: (a) communicating over a first channel with a plurality of recipients on a conference call; (b) selecting a channel for a text message; (d)

typing a phrase representation; and (e) generating an text message only over said selected channel while communicating over the first channel concurrently based on said phrase representation (page 7, section 0057, line 1 – page 8, section 0058, line 19). Wellner further discloses accessing a channel representation and selecting a channel representation (see Figure 8; column 8, line 58 – column 9, line 23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Castell in view of Epler to include accessing a channel representation and selecting a channel representation as taught by Wellner to select a channel out of a plurality of channels in order to send an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since viewing a listing of all recipients on each channel can allow a user to select which recipient a message can be sent to while concurrently communicating over a first channel.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,633,635 by Kung et al disclose multiple call waiting in a packetized communication system, wherein said system is expanded to provide for handling of unlimited calls concurrently of one or more service types

Response to Amendment

21. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh
July 22, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600